IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2198 OF 2007
IN
WRIT PETITION NO.5286 OF 2007

Ajay Savla ..Petitioner.

V/s.

Union of India & Ors. ..Respondents.

AND

Shri Jamnadas Topandas Assomull ..Applicant.

Mr.V.J.Shah i/b. M/s.Fazalbhoy Motaram & Co. for applicant.

Mr.K.R.Chaudhari i/b. Kiran J. Kundpile for respondent Nos.1 to 3.

Mr.Naushad Engineer Rahul Dwarkadas i/b. M/s. Wadia Ghandy & Co. for original petitioner.

CORAM : J.P.DEVADHAR, J.

DATED : 27TH NOVEMBER, 2007.

P.C. :-

1. By this application, the applicant seeks to be impleaded as intervenor in Writ Petition No.5286 of 2007.

2. In this case, the Estate Officer had passed an order evicting the petitioner from the suit premises namely Wassiamull Estate, Blocks B to E, situate at 373, Grant Road, Mumbai. Against the said order, the petitioner had filed an appeal before the City Civil

Court, Mumbai and by an order dated 11th April, 2007 the learned Judge of the City Civil Court, Mumbai has dismissed the appeal and upheld the order passed by the Estate Officer. Challenging the aforesaid order, the present Writ Petition is filed.

3. The applicant claims to be a co-owner of the suit property. Neither before the Estate Officer nor before the City Civil Court the applicant was a party. According to the applicant, the petitioner is in unauthorised occupation of the suit premises. Whatever may be the title of the applicant in respect of the suit premises, for deciding the question as to whether the order passed by the Estate Officer and the learned Judge of City Civil Court was in accordance with law or not, the intervention of the applicant is not necessary or relevant.

4. In this view of the matter, I do not find any merit in the application. Hence application is dismissed with no order as to costs.

(J.P. DEVADHAR, J.)